

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
SANTA FE DIVISION**

Nickie Mccarty,

Plaintiff,

v.

Spire Recovery Solutions, LLC
c/o Corporate Creations Network
350 S. Northwest HWY #300
Park Ridge, IL 60068

Defendant.

Case No.

COMPLAINT

Jury Demand Requested

JURISDICTION AND VENUE

- 1- This court has jurisdiction pursuant to 28 U.S.C. §§1331, 1337, 1367; and 15 U.S.C. §1692k(d).
- 2- Venue is proper because a substantial part of the events giving rise to this claim occurred in this District.

PARTIES

- 3- Plaintiff is a resident of the State of New Mexico.
- 4- Plaintiff is a “consumer” as defined in the Fair Debt Collection Practices Act, 15 USC 1692 et seq. (“FDCPA”).
- 5- Plaintiff incurred a “Debt” as defined in the FDCPA.
- 6- Defendant is a company with its principal office in the State of New York.
- 7- Defendant acquired the Debt after it was in default.
- 8- Defendant regularly attempts to collect, or attempts to collect, debts that it acquired after the same were in default.

9- Defendant uses instruments of interstate commerce for its principal purpose of business, which is the collection of debts.

10- At all times relevant, Defendant was a “debt collector” as defined in the FDCPA.

FACTS COMMON TO ALL COUNTS

11- On or around April 20, 2022, Plaintiff’s attorneys sent a letter to Defendant notifying Defendant of Plaintiff’s representation.

12- Despite being notified of Plaintiff’s representation, Defendant communicated with Plaintiff at least one (1) time thereafter.

13- By communicating with Plaintiff after being notified of their attorney representation, Defendant violated the FDCPA.

14- Defendant actions, directly and proximately, caused undue stress and anxiety for Plaintiff; thereby damaging Plaintiff.

COUNT I

15- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

16- Defendant violated 15 USC § 1692c(a)(2) by communicating with a consumer after having notice of attorney representation.

COUNT II

17- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

18- Defendant violated 15 USC § 1692e by engaging in false, deceptive, or misleading methods to collect a debt.

COUNT III

19- Plaintiff incorporates all the allegations and statements made above as if reiterated herein.

20- Defendant violated 15 USC § 1692f by engaging in unfair and/or unconscionable means to collect, or attempt to collect, the Debt.

JURY DEMAND

21- Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

22- Plaintiff prays for the following relief:

- a. Judgment against Defendant for Plaintiff's actual damages, as determined at trial, suffered as a direct and proximate result Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(1);
- b. Judgment against Defendant for \$1,000 in statutory damages for Defendant's violations of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. §1692k(a)(2)(A);
- c. Judgment against Defendant for Plaintiff's reasonable attorneys' fees and costs incurred in this action, pursuant to 15 U.S.C. §1692k(a)(3); and
- d. Any other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

The Litigation Practice Group

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